Acknowledgment and Notice of Acknowledgment of Acceptance of R.S. 2477 Right-of-Way Grant

Ent 103158 Bk 894 Pg 261-273
Date: 29-MAY-2008 3:37PM
Fee: None
Filed By: LCJ
LOUISE JONES, Recorder
SAN JUAN COUNTY CORPORATION
For: GOVERNOR STATE OF UTAH

#### THE STATE OF UTAH

# TO ALL WHOM THESE PRESENTS SHALL COME, Greeting:

**Know ye,** This is an Acknowledgment and Notice of Acknowledgment made under Utah Code Sections 72-5-309 through 310 inclusive, that the grant of the United States of America of "the right of way for the construction of highways over public lands, not reserved for public uses" under United States Revised Statutes 2477 (43 U.S.C. Section 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted for and on behalf of the State of Utah and its political subdivision San Juan County as it pertains to the highway located in San Juan County known as MULEY POINT ROAD; County Road Number: B241; State Geographic Information Database (SGID) Road Identification Number: RD190234. Total road length is 5 miles more or less.

The reason for this Acknowledgment and Notice of Acknowledgment includes, but is not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least ten years, over public lands not reserved for public uses, prior to the earlier of (a) the October 21, 1976 repeal of R.S. 2477 or (b) the date the servient estate was reserved for public uses.

This Acknowledgment and Notice of Acknowledgment applies only to the segments of the road that traverse land owned by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Utah and its political subdivisions reserve the right to make further acknowledgments and notices of acknowledgment with regard to road segments that traverse land owned by other entities, including the United States of America, through one or more of its agencies.

A printed copy of a map showing the location of the road in said county is appended hereto as "Attachment 1," a printed copy of representative photos of the road is appended hereto as "Attachment 2," a printed copy of a description of the beginning and ending points of the entire road together with a list of Townships, Ranges and Sections that may be traversed by the road in said county is appended hereto as "Attachment 3," and a printed copy of the Road Centerline Description Cover Page(s) is appended hereto as "Attachment 4." The Appendices listed in "Attachment 4" that contain the actual road centerline descriptions are incorporated herein by reference. Affidavits provided by individuals familiar with the road are appended hereto as "Attachment 5."

A printed copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or obtained at the office of the Utah State Archives.

An electronic copy of this Acknowledgment and Notice of Acknowledgment, together with its Attachments and Appendices, may be viewed and/or downloaded as read-only PDF (Portable Document Format) files via the

Internet at http://recorded2477roads.utah.gov.

The owner of the servient estate in the land underlying the road-segments subject to this Acknowledgment and Notice is believed to be the United States of America through one or more of its agencies. Any of such agencies or any other person with a servient ownership claim or a competing dominant estate right-of-way ownership claim, may file a petition in the State District Court for Salt Lake County for a decision regarding the correctness of this Acknowledgment. A claimant shall file a petition within sixty (60) days after receipt of this Notice.

In Witness Whereof, I, John Harja, the official designee of the Governor of the State of Utah, in conformity to the laws of the State (Utah Code Sections 72-5-308 through 310 inclusive), have caused this Acknowledgment and Notice of Acknowledgment to be made.

Signed by my hand in Salt Lake City, Utah, the 22 day of May, 200 8.

By the Governor's Designee

# CERTIFICATION

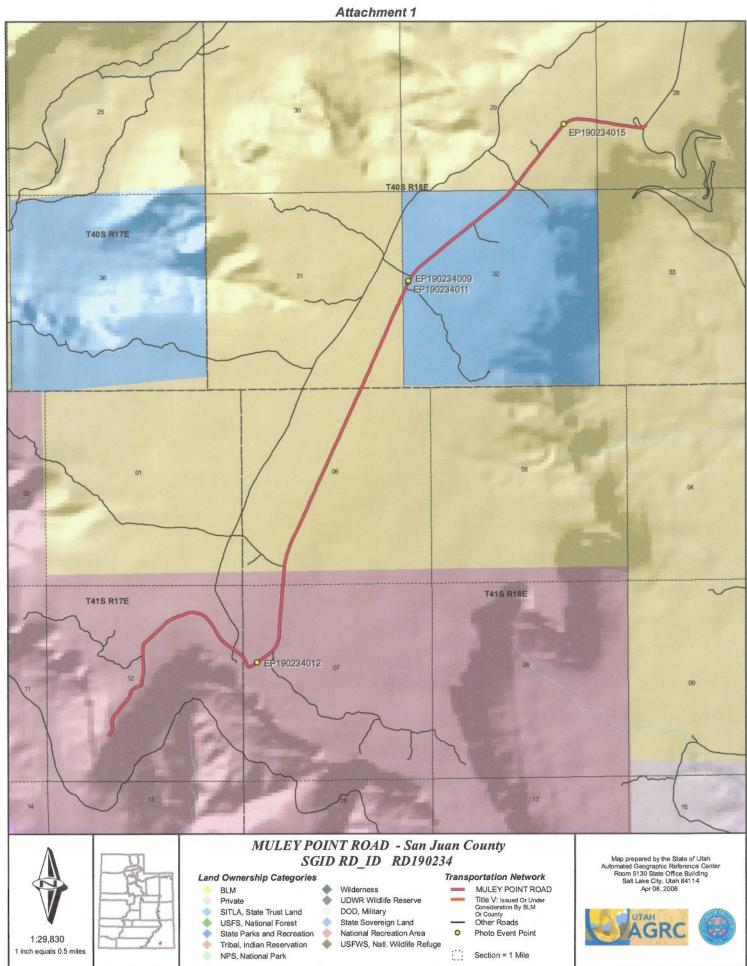
State of Utah	)
	: SS
County of Salt Lake	)

I hereby certify that the signer of the foregoing document, John Harja, is personally known by me, has made a voluntary signature and taken an oath stating that he is the official designee of the Governor of the State of Utah and is authorized to sign this document on the Governor's behalf pursuant to Utah Code Section 72-5-309. He further vouched that, based upon information and belief, the facts alleged therein are true.

NOTARY PUBLIC PAMELA Z. BLACKHAM Dated this 22 day of May, 2008.

Panele 3. Blackham

Notary Public

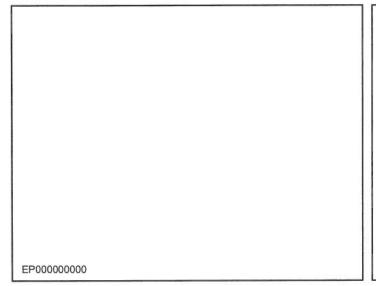












EP000000000



MULEY POINT ROAD - San Juan County SGID RD\_ID RD190234

Map prepared by the State of Utah Automated Geographic Reference Center Room 5130 State Office Building Salt Lake City, Utah 84114 April 11, 2008



#### Attachment 3

## Beginning & Ending Points and Township, Range, and Section References For:

Popular Name: MULEY POINT ROAD

County: San Juan

County Road Number: B241

State Geographic Information Database (SGID) Road Identification Number: RD190234.

Total Road Length: 5 miles more or less.

Beginning at a point on the road centerline located at 37 degrees 13 minutes 59.43 seconds North Latitude and -109 degrees 59 minutes 35.85 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,079,057.2 feet and Y = 10,052,309.2 feet based on the US Survey Foot conversion.

Ending at a point on the road centerline located at 37 degrees 16 minutes 40.65 seconds North Latitude and -109 degrees 56 minutes 34.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,093,448.6 feet and Y = 10,068,854.3 feet based on the US Survey Foot conversion.

#### This road may traverse:

Township 40 South Range 18 East, Section(s) 28,29,31,32, Salt Lake Base & Meridian Township 41 South Range 17 East, Section(s) 12, Salt Lake Base & Meridian Township 41 South Range 18 East, Section(s) 6,7, Salt Lake Base & Meridian See Attachment 1 above for a cartographic depiction of the course of this road.

# Attachment 4 Road Centerline Description Cover Page(s)

Popular Name: MULEY POINT ROAD

County: San Juan

County Road Number: B241

State Geographic Information Database (SGID) Road Identification Number: RD190234.

Total Road Length: 5 miles more or less.

Centerline Descriptions Of Road-Segments That Cross Over Federally Owned Land, Derived From Global Positioning System Data And Cross-checked against USGS Digital Orthophoto Quadrangles Compiled By The Utah Automated Geographic Reference Center And Entered Into The State Geographic Information Database (SGID).

Road-Segments Listed by SGID Road Identification Number (RD ID)	Road-Segment Numbers	Believed Ownership Of Servient Estate	Approximate Segment Length	See Attached Appendix
RD190234	001	NPS	1.83 Miles	(not shown)
RD190234	002	BLM	1.53 Miles	A
RD190234	003	ST	0.79 Miles	(not shown)
RD190234	004	BLM	0.86 Miles	В
		Total Road Length	5	

<sup>\*</sup> Indicates that a Title V permit will be requested, is in process, or has been issued.

 $<sup>\</sup>dagger$  Indicates that road-segments crossing Forest Service land are under consideration by the state and county as of the date of this Acknowledgment and Notice of Acknowledgment.

# Attachment 5

#### AFFIDAVIT OF KENNETH ROBERT CHRISTENSEN

#### **MULEY POINT ROAD**

#### SAN JUAN COUNTY, UTAH

#### **COUNTY ROAD NUMBER B241**

State of Utah	)
	: SS
County of San Juan	)

Kenneth Robert Christensen, being first duly sworn, deposes and states as follows:

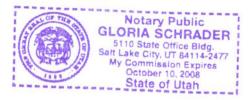
- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in San Juan County, Utah. I have lived in San Juan
  County since 1929.
- 2. I have traveled and am familiar with a road in San Juan County known as Muley Point Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1965, it followed the same route as in 1994, when I last observed it. Attached is a San Juan County map showing Muley Point Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County identifies this road according to the road number described above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1965 and continuing through 1976 to 1994. Throughout this time period I have observed travel on the road by various means, including: pickup, cars, trailer, other truck, bulldozer and jeep. Throughout this time period, the road has been used daily for more than 10 continuous years prior to 1976, and was used daily in 1994.

- 5. Throughout the time period from 1965 to 1994, I have used the road myself for the following uses: range studies and range improvement with the BLM.
- 6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus the following uses: hunting, recreation and livestock operations.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1965 and continuing through 1976 to the present, for the uses described in the previous paragraphs.
- 8. I observed the following evidence of construction and maintenance performed on the road prior to 1976: I observed graders performing maintenance and construction activities on the road.

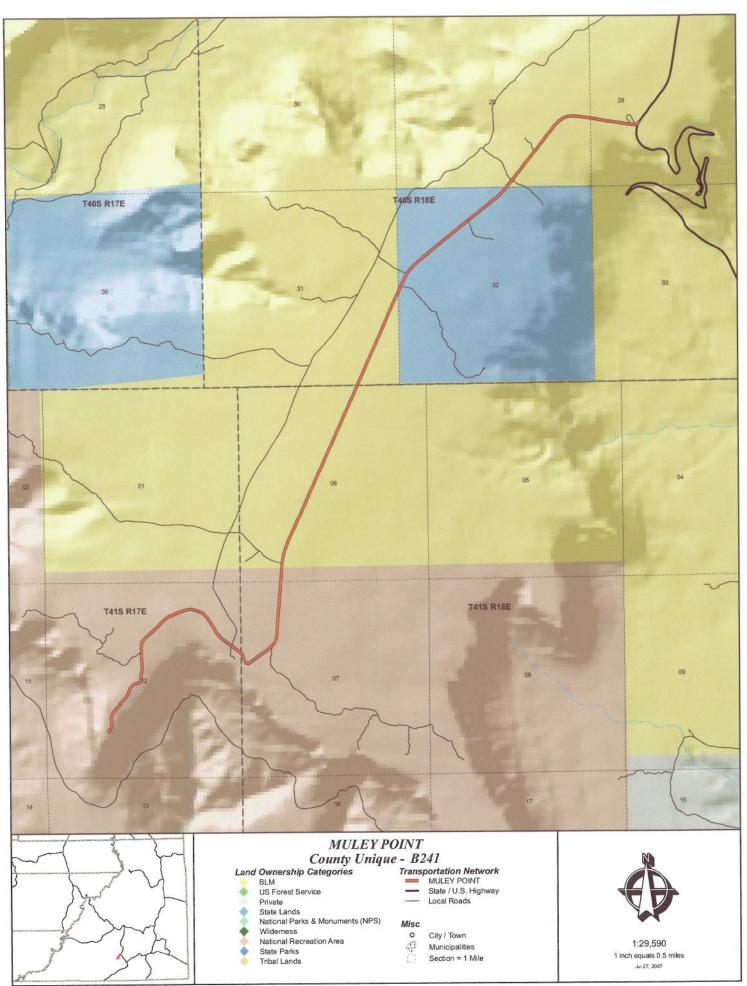
Dated this \_\_\_\_\_\_day of September, 2007.

Kenneth Robert Christensen

SUBSCRIBED AND SWORN TO before me this 18th day of September, 2007.



Moria Schrades
Notary Public



#### AFFIDAVIT OF LYNN L. ADAMS

#### MULEY POINT ROAD

#### SAN JUAN COUNTY, UTAH

#### **COUNTY ROAD NUMBER B241**

State of Utah	)
	: ss
County of San Juan	)

Lynn L. Adams, being first duly sworn, deposes and states as follows:

- I am an adult competent to testify about the matters set forth below based upon
  my personal knowledge. I currently reside in San Juan County, Utah. I have lived in San Juan
  County for 82 years. I worked for the San Juan County Roads Department from 1961 to 1987.
- 2. I have traveled and am familiar with a road in San Juan County known as Muley Point Road. I am also familiar with the land the road traverses. When I first used and observed the road in 1962, it followed the same route as in 1994, when I last observed it. Attached is a San Juan County map showing Muley Point Road. To the best of my knowledge and based upon my use of and familiarity with this road and the land it traverses, the location and route of the road are correctly illustrated on the attached map.
- I am informed that the County identifies this road according to the road number described above.
- 4. I have observed that the road has been open to the public for all to use, to come and go as they pleased, since at least as early as 1962 and continuing through 1976 to 1994. Throughout this time period I have observed travel on the road by various means, including: car, truck, pickup, motorcylcle, and ATV. Throughout this time period, the road has been used

weekly, weather permitting, for more than 10 continuous years prior to 1976 and was used weekly, weather permitting, in 1994.

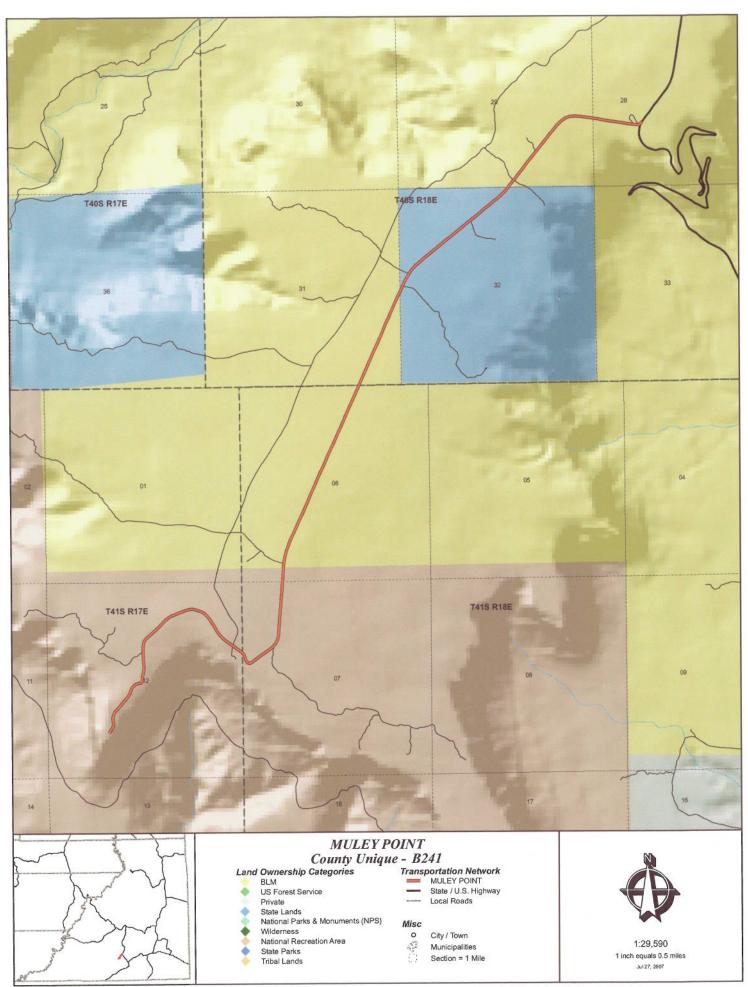
- Throughout the time period from 1962 to 1994, I have used the road myself for the following uses: livestock operations.
- 6. Throughout the time period described in the previous paragraph, I observed vehicles using the road at various times for the uses described in the previous paragraph, plus the following uses: hunting, recreation, tourism, wood gathering, cedar post cutting, mineral prospecting, and oil and gas exploration.
- 7. It is also the reputation in the community that this road has been open to the public for all to use, to come and go as they pleased, since at least as early as the early 1940s and continuing through 1976 to the present, for the uses described in the previous paragraphs.
  - I observed graders performing maintenance activities prior to 1976.
     Dated this \_\_/\_\_\_\_day of September, 2007.

Lyph L. Adams

SUBSCRIBED AND SWORN TO before me this / day of September, 2007.

Notary Public
GLORIA SCHRADER
5110 State Office Bldg.
Salt Lake City. UT 84114-2477
My Commission Expires
October 10, 2008
State of Utah

Notary Public



## Appendix A to Attachment 4

Popular Name: MULEY POINT ROAD

County: San Juan

County Road Number: B241

State Geographic Information Database (SGID) Road Identification Number: RD190234.

Road-Segment Number: 002

Road-Segment Length: 1.53 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 40 South Range 18 East, Section(s) 31, Salt Lake Base & Meridian Township 41 South Range 18 East, Section(s) 6, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MULEY POINT ROAD)-- Segment 002 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 14 minutes 42.92 seconds North Latitude and -109 degrees 58 minutes 36.64 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,083,773.2 feet and Y = 10,056,785.3 feet; thence the following courses along the said road center line:

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thence North 04 Degrees 44 Minutes 32 Seconds East thence North 04 Degrees 52 Minutes 49 Seconds East thence North 04 Degrees 45 Minutes 29 Seconds East thence North 10 Degrees 55 Minutes 19 Seconds East thence North 14 Degrees 52 Minutes 31 Seconds East thence North 18 Degrees 44 Minutes 13 Seconds East thence North 21 Degrees 02 Minutes 25 Seconds East thence North 23 Degrees 09 Minutes 48 Seconds East thence North 24 Degrees 19 Minutes 43 Seconds East thence North 24 Degrees 45 Minutes 19 Seconds East 151.8 feet
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thence North 24 Degrees 17 Minutes 46 Seconds East 159.2 feet
thence North 23 Degrees 48 Minutes 19 Seconds East 158.2 feet
thence North 23 Degrees 23 Minutes 00 Seconds East 158.4 feet
thence North 22 Degrees 39 Minutes 53 Seconds East 157.2 feet
thence North 23 Degrees 38 Minutes 55 Seconds East 158.4 feet
thence North 22 Degrees 52 Minutes 07 Seconds East 154.2 feet
thence North 23 Degrees 43 Minutes 18 Seconds East 156.3 feet
thence North 23 Degrees 06 Minutes 13 Seconds East 157.7 feet
thence North 23 Degrees 56 Minutes 28 Seconds East 156.6 feet
thence North 24 Degrees 22 Minutes 39 Seconds East 157.1 feet
thence North 24 Degrees 24 Minutes 43 Seconds East 160.1 feet
thence North 23 Degrees 30 Minutes 37 Seconds East 165.7 feet
thence North 23 Degrees 30 Minutes 04 Seconds East 168.2 feet
thence North 23 Degrees 40 Minutes 17 Seconds East 166.3 feet
thence North 24 Degrees 27 Minutes 13 Seconds East 173.1 feet
thence North 24 Degrees 26 Minutes 48 Seconds East 181.8 feet
thence North 23 Degrees 57 Minutes 38 Seconds East 183.6 feet
thence North 24 Degrees 09 Minutes 23 Seconds East 176.7 feet
thence North 23 Degrees 24 Minutes 40 Seconds East 168.8 feet
thence North 23 Degrees 47 Minutes 28 Seconds East 160.7 feet
thence North 23 Degrees 43 Minutes 49 Seconds East 163.5 feet
thence North 24 Degrees 17 Minutes 32 Seconds East 163.2 feet
thence North 23 Degrees 49 Minutes 40 Seconds East 159.7 feet
thence North 24 Degrees 03 Minutes 26 Seconds East 149.5 feet
thence North 23 Degrees 36 Minutes 48 Seconds East 86.7 feet
thence North 23 Degrees 36 Minutes 05 Seconds East 56.5 feet
thence North 23 Degrees 37 Minutes 23 Seconds East 150.4 feet
thence North 23 Degrees 33 Minutes 41 Seconds East 153.2 feet
thence North 23 Degrees 27 Minutes 15 Seconds East 147.4 feet
thence North 23 Degrees 29 Minutes 31 Seconds East 146.3 feet
thence North 23 Degrees 25 Minutes 34 Seconds East 145.9 feet
thence North 23 Degrees 46 Minutes 45 Seconds East 146.3 feet
thence North 24 Degrees 10 Minutes 59 Seconds East 146.4 feet
thence North 23 Degrees 42 Minutes 45 Seconds East 149.1 feet
thence North 24 Degrees 28 Minutes 12 Seconds East 151.1 feet
thence North 23 Degrees 32 Minutes 47 Seconds East 149.3 feet
thence North 23 Degrees 26 Minutes 08 Seconds East 143.4 feet
thence North 22 Degrees 44 Minutes 24 Seconds East 136.6 feet
thence North 23 Degrees 33 Minutes 20 Seconds East 143.5 feet
thence North 24 Degrees 27 Minutes 41 Seconds East 141 feet
thence North 23 Degrees 23 Minutes 42 Seconds East 135.5 feet
thence North 24 Degrees 06 Minutes 22 Seconds East 129.4 feet
thence North 24 Degrees 08 Minutes 35 Seconds East 119.7 feet
thence North 23 Degrees 32 Minutes 12 Seconds East 102.3 feet
thence North 25 Degrees 27 Minutes 20 Seconds East 74 feet
thence North 26 Degrees 48 Minutes 27 Seconds East 30.2 feet
thence North 24 Degrees 46 Minutes 40 Seconds East 45.7 feet
thence North 25 Degrees 33 Minutes 09 Seconds East 1.2 feet more or less to the ending point
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thence North 25 Degrees 30 Minutes 00 Seconds East 156.8 feet

at: 37 degrees 15 minutes 55.96 seconds North Latitude and -109 degrees 57 minutes 56.21 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,086,920.7 feet and Y = 10,064,224.8 feet.

#### Appendix B to Attachment 4

Popular Name: MULEY POINT ROAD

County: San Juan

County Road Number: B241

State Geographic Information Database (SGID) Road Identification Number: RD190234.

Road-Segment Number: 004

Road-Segment Length: 0.86 miles more or less.

Believed owner of the land underlying this road-segment is: Bureau of Land Management.

The following description is based upon the geographic coordinate system using the NAD83 Datum. The source is GPS mapping grade data as indicated in the metadata and/or the transportation data model of the State of Utah Geographic Information Database (SGID).

The road-segment itself is the monument that is identified by its physical presence on the land. The location of said physical presence is closely approximated by mapping grade Global Positioning System (GPS) data. Said data are checked against the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS) to verify a reasonable degree of accuracy. In circumstances where accurate satellite signal acquisition is not possible, such as deep, narrow canyons or under a canopy of dense foliage, or where very sharp curves in the road make accuracy questionable, such portions of the road were digitized from the corresponding gray-scale 1-meter Digital Orthophoto Quadrangles published by the United States Geological Survey (USGS).

This road-segment may traverse:

Township 40 South Range 18 East, Section(s) 28,29, Salt Lake Base & Meridian

The following description closely approximates the location of the centerline of the physical monument (MULEY POINT ROAD)-- Segment 004 based on mapping grade Global Positioning System (GPS) data as defined above:

Beginning at a point on the road center line located at 37 degrees 16 minutes 23.85 seconds North Latitude and -109 degrees 57 minutes 19.17 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,089,868.1 feet and Y = 10.067.094.9 feet: thence the following courses along the said road center line:

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thence North 38 Degrees 29 Minutes 32 Seconds East 6 feet thence North 38 Degrees 16 Minutes 31 Seconds East 83.1 feet thence North 38 Degrees 20 Minutes 46 Seconds East 69.3 feet thence North 38 Degrees 03 Minutes 55 Seconds East 69.3 feet thence North 38 Degrees 01 Minutes 10 Seconds East 69.3 feet thence North 36 Degrees 33 Minutes 22 Seconds East 69.3 feet thence North 36 Degrees 33 Minutes 10 Seconds East 69.3 feet 69
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thence North 37 Degrees 47 Minutes 30 Seconds East 143.1 feet
thence North 38 Degrees 26 Minutes 50 Seconds East 145.2 feet
thence North 37 Degrees 45 Minutes 20 Seconds East 144.2 feet
thence North 38 Degrees 35 Minutes 43 Seconds East 153.1 feet
thence North 37 Degrees 58 Minutes 35 Seconds East 158.9 feet
thence North 38 Degrees 02 Minutes 33 Seconds East 164.5 feet
thence North 37 Degrees 49 Minutes 50 Seconds East 165.2 feet
thence North 38 Degrees 38 Minutes 04 Seconds East 162.9 feet
thence North 39 Degrees 53 Minutes 16 Seconds East 158.1 feet
thence North 42 Degrees 48 Minutes 56 Seconds East 149.3 feet
thence North 54 Degrees 33 Minutes 07 Seconds East 140.9 feet
thence North 68 Degrees 48 Minutes 01 Seconds East 133.5 feet
thence North 84 Degrees 07 Minutes 16 Seconds East 128.6 feet
thence South 85 Degrees 39 Minutes 31 Seconds East 129.4 feet
thence South 81 Degrees 58 Minutes 38 Seconds East 129 feet
thence South 81 Degrees 50 Minutes 22 Seconds East 131.4 feet
thence South 82 Degrees 19 Minutes 13 Seconds East 105 feet
thence South 82 Degrees 15 Minutes 49 Seconds East 19.9 feet
thence South 80 Degrees 06 Minutes 56 Seconds East 126 feet
thence South 80 Degrees 26 Minutes 28 Seconds East 120.6 feet
thence South 80 Degrees 24 Minutes 15 Seconds East 110.6 feet
thence South 80 Degrees 39 Minutes 42 Seconds East 97.9 feet
thence South 81 Degrees 23 Minutes 28 Seconds East 97.3 feet
thence South 81 Degrees 40 Minutes 05 Seconds East 113.5 feet
thence South 81 Degrees 27 Minutes 28 Seconds East 117.2 feet
thence South 82 Degrees 30 Minutes 40 Seconds East 113.6 feet
thence South 82 Degrees 15 Minutes 39 Seconds East 103.1 feet
thence South 82 Degrees 29 Minutes 23 Seconds East 86.8 feet
thence South 67 Degrees 06 Minutes 54 Seconds East 2.5 feet
thence South 84 Degrees 21 Minutes 23 Seconds East 75.9 feet
thence North 87 Degrees 36 Minutes 58 Seconds East 54.5 feet
thence North 80 Degrees 13 Minutes 26 Seconds East 6 feet
thence North 59 Degrees 15 Minutes 37 Seconds East 48 feet
thence North 41 Degrees 29 Minutes 12 Seconds East 37.4 feet
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thence North 35 Degrees 09 Minutes 41 Seconds East 35.1 feet more or less to **the ending point at:** 37 degrees 16 minutes 40.65 seconds North Latitude and -109 degrees 56 minutes 34.51 seconds West Longitude, which can be converted to mapping accuracy State Plane Utah South Zone NAD 83 feet coordinates of X = 2,093,448.6 feet and Y = 10,068,854.3 feet.